

Brandon James Leavitt, TX Bar No. 24078841, *pro hac vice*  
Eldredge Leavitt Law Firm  
4204 SW Green Oaks Blvd., Suite 140 Arlington, TX 76107  
(214) 727-2055  
[brandon@uslawpros.com](mailto:brandon@uslawpros.com)

Jason K. Smith (Utah Bar No. 14323) MK SMITH, APC  
9891 Irvine Center Dr., Ste. 200  
Irvine, CA 92618  
801-916-8723  
[jsmith@mks-law.com](mailto:jsmith@mks-law.com)

*Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION**

**JM4 TACTICAL, LLC; and JAMES  
CHADWICK MYERS,**

Plaintiffs,

*versus*

**E & R LLC d/b/a HER TACTICAL;  
*et. al.***

Defendants.

**STIPULATED MOTION TO EXTEND  
DEADLINE FOR CLAIM  
CONSTRUCTION TERM AGREEMENT**

Case No. 1:22-cv-01121-DAK-DBP

Judge Dale A. Kimball  
Magistrate Judge Dustin B. Pead

**Jury Demanded**

**STIPULATED MOTION TO EXTEND DEADLINE FOR CLAIM CONSTRUCTION  
TERM AGREEMENT**

TO THE HONORABLE COURT:

Pursuant to DUCivR 83-5, Plaintiffs JM4 Tactical, LLC and James Chadwick Myers, and Defendants Her Tactical, LLC, E & R LLC d/b/a Her Tactical, Vicky Arlene Johnston, and Blake Cheal, by and through their respective counsel, hereby respectfully move this Court for an order extending the deadline to reach agreement on claim construction terms under LPR 4.2(b).

## **I. BACKGROUND**

The Court's current Scheduling Order requires the parties to reach agreement to submit no more than ten terms for construction by August 1, 2025. Under LPR 4.2(b), the parties must meet and confer to finalize these terms following their exchange of proposed claim terms and constructions under LPR 4.2(a).

## **II. BASIS FOR EXTENSION**

The parties require additional time to conduct the mandatory conference to finalize claim construction terms due to scheduling conflicts and procedural requirements. The Court's prior orders require that all conferences between the parties be conducted by recorded videochat. Plaintiffs' counsel has a family medical emergency requiring his presence at the hospital on August 1, 2025, making it impossible to conduct the required recorded videochat conference by the current deadline.

## **III. STIPULATED RELIEF REQUESTED**

The parties hereby stipulate and agree to extend the deadline to reach agreement on claim construction terms from August 1, 2025, to August 8, 2025. The parties further agree that this extension will not prejudice either side and will allow adequate time for the required recorded videochat conference and good faith negotiations regarding claim terms.

The parties represent that this extension will not affect any subsequent deadlines in the case, as adequate time remains in the claim construction schedule to accommodate this brief extension.

#### IV. CONCLUSION

For the foregoing reasons, the parties respectfully request that this Court grant this Stipulated Motion and extend the deadline for reaching agreement on claim construction terms to August 8, 2025.

Respectfully Submitted,

/Brandon J. Leavitt/  
**Brandon James Leavitt**

Agreed as to Form and Substance:

/Bryan Todd/ (by permission)  
**Bryan Todd**  
Counsel for Defendants